

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**(1) EMPLOYERS MUTUAL CASUALTY )  
COMPANY, A FOREIGN CORPORATION, )**

**PLAINTIFF, )**

**v. )**

**CASE No. CIV-22-143-R**

**(1) JAMES BLAND, AS PERSONAL )  
REPRESENTATIVE OF THE ESTATE OF )  
JOSHUA MICHAEL HALL, DECEASED; )  
ET AL., )**

**DEFENDANTS. )**

**ORDER**

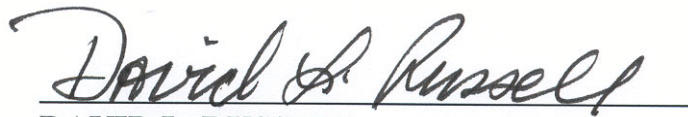
Plaintiff, Employers Mutual Casualty Company (“EMC”), has filed a Motion for Default Judgment Against Defendant Alberto Castillo Montes [Doc. # 27] in this interpleader lawsuit. EMC pleads, and the return of service filed with the Court reflects, that EMC served Defendant Montes with Summons and a copy of its Complaint personally on Defendant Montes on April 21, 2022. [Doc. # 20]. The Court’s docket further reflects that Defendant Montes has failed to Answer or otherwise appear in this lawsuit since having been served. As a result, a Clerk’s Entry of Default [Doc. # 26] was entered by the Clerk of this Court on August 31, 2022, finding Defendant Montes to be in default. Thereafter, EMC filed the Motion now before the Court seeking a judgment by default against Defendant Montes.

The Court finds that it has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332, and over the person of Defendant Montes. The Court

further finds that Defendant Montes was properly served with process but has failed to Answer or otherwise appear in this lawsuit, that the Defendants who have appeared in this lawsuit do not oppose the entry of a judgment by default against Defendant Montes, and that entry of such a judgment is appropriate pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and LCvR 55.1. The Court further finds that, by failing to answer or otherwise appear after having been served with such process, Defendant Montes has forfeited any right to claim any part of the funds that EMC seeks to interplead in this lawsuit, or to make any claim against EMC arising out of any insurance coverage which may have been afforded by a policy issued by EMC in relation to the motor vehicle accident giving rise to this lawsuit, as alleged within the Complaint. [Doc. # 1].

Accordingly, Plaintiff Employers Mutual Casualty Company's Unopposed Motion for Default Judgment Against Defendant Alberto Castillo Montes is GRANTED, and Judgment against Defendant Alberto Castillo Montes and in favor of Plaintiff Employers Mutual Casualty Company is accordingly entered herein.

IT IS SO ORDERED this 26<sup>th</sup> day of September 2022.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE